

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
261-05 **Effective Date:**
2/22/2016

Subject:
Uniform Enforcement of Common Traffic
Violations

Approved by:

A handwritten signature in black ink, appearing to read "ST DHE".

Steven D. Hebbe, Chief of Police



PURPOSE:

To establish uniform procedures for dealing with traffic law violations commonly encountered.

POLICY:

It is the policy of the Farmington Police Department to provide guidelines for the uniform enforcement of traffic law violations which can be expected to occur on a routine basis.

PROCEDURE:

Officers encountering commonly committed traffic violations shall take appropriate enforcement action, including violations involving the operation of a vehicle by a driver under the influence of alcohol or drugs, the operation of a vehicle while driving privileges are suspended or revoked, speed violations, hazardous violations, off-road vehicle violations, equipment violations, public carrier and commercial vehicle violations, other non-hazardous violations, multiple violations, violations of newly enacted laws and regulations, violations resulting in the occurrence of traffic accidents, and violations committed by pedestrians and bicycle operators.

Driving Under the Influence of Alcohol/Drugs:

Appropriate enforcement action is taken by officers whenever the violation is observed or is determined as the result of an investigation. Enforcement is in accordance with applicable State Statutes or City Ordinances.

Driving on a Suspended or Revoked License:

Officers contacting drivers who are operating vehicles while their driving privileges are suspended, should, as a matter of routine, issue citations to those drivers who are in violation of the applicable State Statute or City Ordinance. Furthermore, it is the policy of the Farmington Police Department that officers should, as a matter of routine, arrest drivers who are operating in violation of 66-8-122(G) NMSA 1978 as documented by the State of New Mexico Motor Vehicle Department and as made available to officers via the police dispatch or MDT. Officers may choose to cite violators operating vehicles under the prohibitions of 66-8-122(G) NMSA 1978, rather than arrest, only when emergencies or exigent circumstances exist and only with supervisory approval.

Upon the arrest of a driver pursuant to 66-8-122(G) NMSA 1978, the officer will attach a copy of the MVD driver's license printout to the Criminal Complaint and forward a second copy to the police report.

Speed Violations:

When a driver is stopped for speeding, they may be issued a citation in accordance with New Mexico Statute 66-7-301 or 66-7-302 or applicable City Ordinances. The citation will indicate the vehicle's speed, the speed limit, how the speed was determined, and the location of the violation.

Hazardous Violations:

Officers shall take appropriate enforcement action whenever a hazardous violation is observed or is determined as the result of an accident investigation. Citations will be issued in accordance to the applicable State Statutes or City Ordinances.

Off-Road Vehicle Violations:

Officers encountering vehicles intended by their manufacturer for use on off-road conditions only, and that are not intended to be licensed as motor vehicles by the State of New Mexico, which are being operated on the roadway in violation of applicable State Statutes and City Ordinances, may issue citations to the operators of the off road vehicle.

Equipment Violations:

Appropriate enforcement action may be taken by officers whenever an equipment violation is observed or is determined as a result of an accident investigation. In the event that the violation prevents the safe operation of the vehicle upon the roadway to such an extent that the occupants of the vehicle or other citizens may be unduly jeopardized by the vehicle's travel, officers may seek other arrangements to facilitate the safe removal of the vehicle or its return to a safe condition prior to returning to the roadway. Citations will be issued in accordance to the applicable State Statutes or City Ordinances.

Public Carrier/Commercial Vehicle Violations:

Officers shall take appropriate enforcement action when found necessary through observation or investigation. Citations will be issued in accordance to the applicable State Statutes or City Ordinances.

Other Non-Hazardous Violations:

Officers shall have discretion to take appropriate enforcement action when through observation or investigation, they encounter non-hazardous violations of applicable State Statutes and City Ordinances.

Multiple Violations:

Officers may issue citations for any offenses they observe or determine as the result of an investigation or traffic stop, and may issue citations for multiple violations per incident, at their discretion.

Newly Enacted Laws and Regulations:

Officers shall familiarize themselves with, and have working knowledge of, all laws of the State of New Mexico and the ordinances of the City of Farmington which they are required to enforce. Officers are given discretion to determine the violator's level of awareness of the newly enacted law in determining the appropriate enforcement action.

Violations Resulting in Traffic Accidents:

Officers shall have discretion in determining the appropriate enforcement action when through observation or investigation they encounter violations that resulted in the occurrence of a traffic accident not involving death or great bodily harm. When accidents involving death or great bodily harm are encountered, officers shall only issue citations in which the Court Appearance is mandatory. Officers are encouraged to fully investigate accidents in order to identify and document the causative factors leading to the accident.

Pedestrian and Bicycle Violations:

Officers have discretion in determining the appropriate enforcement action when encountering violations incurred by pedestrian and bicycle operators in accordance with applicable State Statutes and City Ordinances.